

HOUSE No. 4904

Section 35 contained in the engrossed Bill making appropriations for the fiscal year 2005 (see House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 4901). June 28, 2004.

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The Commonwealth of Massachusetts

In the Year Two Thousand Four

An Act establishing a department of early education and care.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 15C the following chapter:-

CHAPTER 15D

DEPARTMENT OF EARLY EDUCATION AND CARE

Section 1. It is hereby declared to be the policy of the commonwealth to assure every child a fair and full opportunity to reach his full potential by providing and encouraging services which maximize a child's capacity and opportunity to learn, which strengthen family life, and which support families in their essential function of nurture for a child's physical, social, educational, moral, and spiritual development.

Section 2. There shall be a department of early education and care, in this chapter called the department, which shall serve as the lead agency for the administration of all public and private early education and care programs and services. The department shall be the state agency responsible for compliance with early education and care services under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or any successor federal statute. The department shall be the state education agency for the purposes of early education and care services under federal law. The department shall seek, apply for and encourage the use of any federal funds for early education and care services, and shall facilitate the coordination of federal, state, and local policies concerning early education and care. The department shall be under the supervision and control of a board of early education and care.

Section 3. (a) There shall be a board of early education and care, hereinafter referred to as the board. The board shall set policies and establish regulations related to early education and care programs, and services. The Board shall oversee and supervise the administration of a high-quality system of public and private early education and care. The board shall oversee the development and implementation of a program of voluntary, universally accessible high-quality early childhood education to all preschool-aged children in the commonwealth, subject to appropriation. The board shall oversee the development and management of an educationally sound kindergarten readiness assessment for pre-school children and a comprehensive evaluation of early education and care programs, including the establishment of baseline data to inform the design and implementation of a universally accessible, high-quality early education and care program for all pre-school age children. The board shall oversee the development and

implementation of a workforce development system designed to support the education, training and compensation of the early education and care workforce, including all center, family child care, infant, toddler, preschool and school-age providers.

(b) The board shall consist of 9 members, and shall include: the secretary of health and human services, ex-officio; the commissioner of the department of education, ex-officio; the chancellor of higher education, ex-officio; and 6 members appointed by the governor. Of the members appointed by the governor, 1 shall be a representative of the business community with a demonstrated commitment to education; 1 shall be an early education and care teacher, selected from a list of 3 nominees jointly provided by the Massachusetts Teachers Association and the Massachusetts Federation of Teachers; 1 shall be a parent or guardian of a child receiving early education and care services or a family childcare provider; 1 shall be a provider of early education and care services with practical experience in the management and administration of early education and care programs; 1 shall be a person with expertise in the evaluation and assessment of successful pre-school education programs; and 1 shall be a pediatrician with a focus on child development or a person nationally recognized for research in the field of educational psychology.

In making the appointments, the governor shall seek to appoint persons who are from geographically diverse regions of the commonwealth, who are familiar with the differing interests, perspectives and needs of urban, rural and suburban regions, and who reflect the ethnic and racial diversity of the commonwealth's children. In appointing members from urban areas of the commonwealth, the governor shall seek to appoint people who are familiar with the particular issues of urban areas with high concentrations

of low-income families. Each of the members chosen shall have a demonstrated interest in and commitment to early education and care and a commitment to maximizing family choice by preserving a mixed system of high-quality public and private programs.

Five members shall constitute a quorum, and the affirmative vote of 5 members shall be necessary for any action taken by the board.

Appointed members shall serve for terms of 5 years. No member shall be appointed to serve more than 2 consecutive full terms. Upon expiration of the term of office of an appointed member, a successor shall be appointed in like manner. If an appointed member is absent from any four regularly scheduled meetings, exclusive of July and August, in any calendar year, his office as a member of said board shall be deemed vacant. The chairperson of the board shall forthwith notify the governor that such vacancy exists.

No appointive member of said board shall be employed by or receive regular compensation from the department of early education and care. The governor shall appoint a chairperson to the board. Not more than 2 appointive members of the board shall be employed on a full-time basis by an agency of the commonwealth. The members of the board shall be reimbursed for their necessary expenses incurred in the performance of their duties. The board shall meet not fewer than 10 times annually at the call of the chairman.

No member of the board shall be found to be in violation of section 6 of chapter 268A for conduct which involves his participation, as a member of the board, in a particular matter before the board which may affect the financial interest of an early education and care program with which the member is affiliated; provided, however, that

the member, his immediate family or partner has no personal and direct financial interest in the particular matter; and provided, further, that the affiliation is disclosed to the board and recorded in the minutes of the meeting of the board.

(c) The purposes of the board are as follows:

(1) to consolidate and coordinate resources and public funding streams for early education and care in order to assure the sound and coordinated development of all early education and care services to children;

(2) to encourage family choice by ensuring a mixed system of high-quality public and private programs, with local points of entry, staffed by well-qualified professionals;

(3) to assure parents a decisive role in the planning, operation, and evaluation of programs which aid families in the care of children;

(4) to provide consumer education and accessibility to early education and care resources;

(5) to advance the quality of early education and care programs in order to support the healthy development of children and preparation for their success in school;

(6) to develop a seamless service delivery system of early education and care programs administered by local, state and federal agencies, with local points of entry;

(7) to develop and manage an effective data collection system to support the necessary functions of a coordinated system of early education and care in order to enable accurate evaluation of its impact;

(8) to respect and draw upon family values and cultural heritage;

(9) to establish the administrative framework for and promote the development of early education and care services in order to provide that such services, staffed by well-

qualified professionals, shall be available in every community for all families which express a need for them;

(10) to assure that family foster care or other residential care is provided only when the family itself or the resources available to the family are unable to provide the necessary care and protection to insure the rights of any child to sound development; and

(11) to assure that every child shall in all circumstances be protected against all forms of neglect, cruelty, abuse, and exploitation.

(d) The board shall review and approve federal grant applications for early education and care programs and may develop guidelines as needed for the disbursement of such funds in accordance with law. The board shall be the approving authority for all federal grants that are applied to public and private early education and care programs in the commonwealth.

(e) The board shall submit an annual report to the governor, the clerks of the house of representatives and senate, and the joint committee on education, arts and humanities, describing its progress in achieving the goals and implementing the programs authorized in this chapter. The report shall evaluate the progress of the commonwealth in moving toward a system of universal early education and care for 3, 4 and 5-year-old pre-school children.

Section 4. The board of early education and care shall by a 2/3 vote of its members appoint a commissioner of early education and care, in this chapter called the commissioner, and may in its discretion by majority vote of its members remove the commissioner. The commissioner shall be the secretary to the board and its chief executive officer. The commissioner shall receive a salary to be determined by the board.

Subject to the approval of the board of early education and care, the commissioner may apply for and accept on behalf of the commonwealth, any federal, local, or private grants, bequests, gifts, or contributions to aid in the financing of any of the programs or policies of the department. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended under the direction of the commissioner, with the approval of the board of early education and care. Federal funds paid as reimbursement to the commonwealth shall be deposited in the General Fund.

Section 5. The board shall develop and annually update an implementation plan for a workforce development system designed to support the education, training and compensation of the early education and care workforce, including all center, family child care, infant, toddler, preschool and school-age providers. The board shall solicit input from organizations and agencies that represent a diverse spectrum of expertise, knowledge and understanding of broader workforce development issues and of the professional development needs of the early childhood and care workforce. In order to inform the plan, the board shall conduct:

(1) an inventory and assessment of the current resources and strategies available for workforce and professional development in the commonwealth, including but not limited to Head Start trainings, community-based trainings, higher education programs, child care resource and referral agency trainings, state and federally funded workforce development trainings/programs, public school system trainings/credentialing, and other trainings that address the needs of those who work with children and make recommendations for coordinating the use of those existing resources and strategies;

(2) analyses using current data on the status of the early education and care workforce, including work experience, certifications, education, training opportunities, salaries, benefits and workplace standards; and

(3) an assessment of the workforce capacity necessary to meet the state's early education and care needs in the future.

In the development of the plan, the board shall consider:

(1) core competencies, a common and shared body of knowledge, for all those working in the early education and care fields;

(2) streamlined and coordinated state certification, credentialing, and licensing within the early education and care fields including teacher and provider certification and licensing, the child development associate, public school teacher certification, and other program standards as appropriate for director, teacher and provider credentialing requirements;

(3) a mandatory and regularly updated professional development and qualification registry;

(4) agreements among higher education institutions for an articulated system of education, training, and professional development in early education and care;

(5) approval of early education and care training programs and academic coursework, incentives for associates and bachelors programs to meet best practices and to modify curricula to reflect current child development research, and certification of trainers and teachers;

(6) coordination of existing workforce resources among public agencies, including establishing regional workforce support resources in coordination with child

care resource and referral agencies;

(7) a range of professional development and educational opportunities that provide appropriate coursework and degree pathways for family child care as well as center-based providers at all levels of the career ladder that are available in locations, days, and times that are accessible;

(8) credit for prior learning experiences, development of equivalencies to 2 and 4 year degrees, and the inclusion of strategies for multiple pathways for entry into the field of early education and care;

(9) recruitment and retention of individuals into the early education and care workforce who reflect the ethnic, racial, linguistic, and cultural diversity of Massachusetts families based on the current census data;

(10) incentives and supports for early education and care professionals to seek additional training and education, such as scholarships, stipends, loan forgiveness connected to a term of service in the field, career counseling and mentoring, release time and substitutes;

(11) guidelines for a career ladder or career lattice representing salaries and benefits that suitably compensate professionals for increases in educational attainment and with incentives for advancement, including a salary enhancement program;

(12) public and private resources to support the workforce development system;

(13) a data collection and evaluation system to determine whether the workforce and professional development activities established pursuant to this chapter are achieving recruitment, retention and quality of the workforce goals; and

(14) ways to recognize and honor advancements in educational attainment among early

education and care professionals.

SECTION 2. Sections 1, 3, 4, and 5 of chapter 15D of the General Laws, inserted by section 1 of this act, shall take effect on March 1, 2005. Section 2 of said chapter 15D, inserted by said section 1, shall take effect on July 1, 2005.